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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--------------------------------|---------------------------------|-----------------------------|------------------|
| <h1>Office Action Summary</h1> | Application <u>09/476385</u> | Applicant(s) <u>Tsui</u> | |
| | Examiner <u>Ahor, G</u> | Art Unit <u>3628</u> | Confirmation No. |

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 1/27/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 32-45 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 32-45 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment B(Paper #12) filed 1/27/03.
2. All originally filed claims were cancelled. Completely new claims 32-45 were filed.
3. New claims 32-45 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. New claims 32-45 are rejected under 35 USC 103(a) as unpatentable over Payne(US Pat. No: 6,449,599) in view of Fujimoto(US Pat. No: 6,411,942) in view of Green(US Pat. No: 5,664,110) and further in view of Blinn(US Pat. No: 5,897,622).
6. As per claims 32-45 Payne teaches a computer-implementable method for providing a consumer-to consumer payment service(Abstract)(Fig 1)(Figs 2A-I)(Figs 3A/B)(Fig 4A/B) and receiving from a first computer a registration of a payment instrument by a buyer(Fig 1/12) and receiving from a second computer a registration of a disbursement instrument by a seller(Fig 1/14) and receiving from the first remote computer a command from the buyer to pay the seller an amount of money in exchange for an item(Fig 1/16). Payne teaches shipping products to the

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buyer computer authorized to purchase the product(col 2 lines 14-23).Payne teaches graphical user interfaces which comprise Web pages for communiation(Fig 5)(Fig 6)(Fig 7)(Fig 10)(Fig 12-14) as well as the use of an electronic invoice(Fig 9)(Fig 11). Fujimoto teaches settling transactions(Fig 5/S7) as well as transferring funds to the seller(col 8 lines 16-23)(col 7 line 67-col 8 line 3).Fujimoto teaches a paying agent in common with the buyer and seller(Fig 4) or owned by an entity operating the payment serviuce(col 6 lines 27-45).It would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Fujimoto to teach the above. Thre motivation to combine is to teach a method to consummate a financial transaction system with verified funds as enunciated by Fujimoto(col 4 lines 8-14). Green teaches a method for using a digital electrical computer apparatus located at an order center for shipping a product from a remotely located distribution center(Figure 1/10-14)including the steps of producing output electrical signals representing a packing list for an order of a product by causing an order center apparatus located at an order center to change input digital electrical signals into the output digital electrical signals(Figure 1/10)(col 2 lines 51-55) , the order center apparatus including a digital electrical computer having a processor(Figure 1/12)(col 2 lines 55-57), the processor electrically connected to a memory device for storing and retrieving machine-readable signals in the memory device,(Figure 1/14)(col 2 lines 57-62) to an input device for receiving input data and converting the input data into the input electrical signals, and to an output device for receiving the output electrical signals, and wherein the processor is controlled by a computer program to implement the step of producing and assigning shipping

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information signals to the order with a digital electrical computer shipping apparatus, linking, by digital communication(col 3 lines 27-29)(Figure 10/130), the signals representing the packing list with the shipping information signals; transmitting the signals representing the packing list to, and receiving the signals representing the packing list at a printer device at a distribution center located remotely from the order center(col 13 lines 9-19)(Fig 10/134) printing the packing list at the printer device at the distribution center and shipping the product specified by the packing list, in accordance with the shipping information signals, from the distribution center. Blinn teaches providing order tracking and delivery information over the Internet for waybill shipping in accordance with the order(Fig 1/104/100)(Fig 2/124/122/123/125/129/130/131/132)(Fig 8)(Fig 10/129/125/122)(Fig 14)(col 3 line 46-col 4 line 26)(col 8 lines 1-7)(col 12 lines 8-56)(Fig 12)(col 17 line 18-41). It would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Fujimoto and further in view of Green to teach part of the above. The motivation is to teach an ordering system for Internet purchases as enunciated by Green(col 1 lines 38-47). It also would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Fujimoto in view of Green and further in view of Blinn to teach the above. The motivation to combine is to provide an on line ordering, tracking and delivery system for customer orders on the Internet for customers and merchants as enunciated by Blinn(col 3 lines 1-18).

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Response to Arguments

7. Applicant's arguments with respect to the original claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are

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unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA



March 24, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER